

Application Serial No. 10/052,896
Attorney's Docket No.:13838-002001

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, confirmation of the claim for priority, and the submission of the priority document as filed on May 15, 2002, is respectfully requested.

Some changes have been made to the claims and new claims 41-43 are also added herein.

Claims 11, 22 and 36 stand rejected under 35 USC 102(b) as allegedly being anticipated by the Oracle8 document. This contention is respectfully traversed. Oracle8 describes the use of audit trails, stored in a table, that indicate when the user has last viewed or updated any item. The audit trail corresponds to a record of database use. It can be used to investigate suspicious activity, or to monitor and gather data about specific database activities. Each time the database is accessed, a new audit trail is generated. Claim 11, however, defines "updating the information automatically when the data, subject to whom the data item relates, views the data item. According to claim 11, information regarding the data item is updated, not regenerated, when the data item is viewed by a data subject. This by itself distinguishes over Oracle8. Moreover, claim 11 defines that the information includes "an indication of

Application Serial No. 10/052,896
Attorney's Docket No.:13038-002001

when the data related to a given data subject was last verified as correct by the data subject". Therefore, this represents the content of the data item, not the content of the database storing the data item as in Oracle8. Claim 11 should therefore be allowable for these reasons.

Claims 22 and 36 include limitations which are not disclosed by Oracle8, and hence should be allowable for analogous reasons.

New claims 41-43 define a wrapper that is attached to data items viewed by a data subject and contains information regarding the permissions or consensus information granted by the data subject. An audit trail merely confirms the actions that have already taken place. It defines nothing about such consensus information.

Claims 1-4, 12-15, 23-27 and 33 stand rejected over Choy in view of Lessard. Claims 5-7, 9-10, 16-18, 20-21, 28-29, 31-32, 34-35 and 37-38 stand rejected over Choy in view of Lessard in view of Oracle8. Claims 8, 19, 39-40 and 30 stand rejected over Baumeister et al. Both Lessard and Baumeister et al have filing dates which are after the effective filing date of the present application, as perfected by the priority document transmittal filed on May 15, 2002. Therefore, neither Lessard nor Baumeister are properly prior art in the present case. For

Application Serial No. 10/052,896
Attorney's Docket No.:13838-002001

these reasons, the prima facie showing made by the rejection is defective, and each of these claims should hence be allowable over the cited prior art documents.

For reasons given above, a notice of allowance is respectfully requested.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Pursuant to 37 CFR 1.136, applicant hereby requests that the period for response to the action dated May 5, 2004 be extended for three months to and including November 5, 2004.

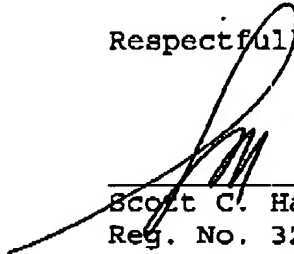
Application Serial No. 10/052,896
Attorney's Docket No.:13838-002001

Please apply any charges or credits to Deposit Account

No. 06-1050.

Respectfully submitted,

Date: November 5, 2004



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10454259.doc